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United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

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In Reply Refer To:

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Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180

Re: Bear Canyon Mine, T87-02-006-011

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSMRE), has reviewed Utah's Division of Oil, Gas and Mining's (DOGM) response to Ten-Day Notice 87-02-06-011.

The Division's response to violation 1 of 3 is initially appropriate. Because the culvert outlet and diversion outlet have been repaired and stabilized and the work's adequacy was field-verified, the violation no longer exists.

The Division's response to violation 2 of 3 is initially appropriate. The permit's oversight of the stream buffer zone can be considered a permit defect. DOGM's requirement for a revision from the operator by November 6, 1987 is a reasonable time period; however, a timetable is also required for the agency's review and decision of the submitted proposal.

The Division's response to violation 3 of 3 is initially appropriate. The design requirements for off-permit culverts can be considered a permit defect. DOGM's requirement for a revision from the operator by November 6, 1987 is a reasonable time period; however, a timetable is also required for the agency's review and decision of the submitted proposal.

In summary, DOGM's responses to violations 1, 2, and 3 are initially appropriate. Please address any questions concerning this evaluation to Steve Rathbun, Supervisory Reclamation Specialist, at (505) 766-1486.

Sincerely,

Robert H. Hagen, Director
Albuquerque Field Office

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